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February 20, 2005

APR -6 2005

TECHNOLOGY CENTER 2800

Application/Control Number 10/799,553

Dear Ms. Cohen,

Your office action dated 11/24/04 contained three issues with this application. After careful consideration, we have found that our claim should be restated to better communicate the novelty of this idea. Our invention is in the manufacturing process and the matrix material mixture of the antenna ornament; creating a luminous vehicle antenna using a single-step manufacturing process.

Since our restated claim focuses solely on the material and manufacturing process, not shape and form of the antenna ornament, drawings will not be submitted to support the claim.

Under point 4 in your office action, you reject our claim as being anticipated by Sutton, U.S. Patent 5,836,261. Sutton states the antenna topper can be "decorated in various colors which furthermore can be luminous", Col 4, lines 23-25. Decorating implies a secondary manufacturing step where this décor is applied to the antenna ornament. Our claim is that of a single-step process for manufacturing a luminous vehicle antenna ornament. The novel idea of the single-step process makes this type of ornament economically feasible, since manufacturing costs can be kept low.

Please accept our restated claim for a Luminous Vehicle Antenna Topper. We have also added explanatory comments in description of the prior art to clarify the novelty of this application.

Sincerely,



Reidar Aamotsbakken



Charles Heidenreich

Inventors: **Aamotsbakken, Reidar S.** (668 Pickford St. Madison, WI 53711-1852)

**Heidenreich, Charles R.**

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## TITLE OF INVENTION

Luminous vehicle antenna topper

## CROSS-REFERENCE TO RELATED APPLICATIONS

3,433,203	Mar., 1969	Sharkey et al.
4,526,820	Jul., 1985	Haas.
4,624,211	Nov., 1986	Jokel.
4,881,485	Nov., 1989	Feinberg.
4,901,662	Feb., 1990	Sandeen et al.
4,964,360	Oct., 1990	Henry
4,972,795	Nov., 1990	Mace.
4,989,536	Feb., 1991	Liming et al.
5,078,075	Jan., 1992	Liming et al.
5,176,099	Jan., 1993	Katz et al.
5,572,225	Nov., 1996	McCarthy
5,836,261	Aug, 1997	Sutton

## STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

Not Applicable

## REFERENCE TO SEQUENCE LISTING, A TABLE, OR A COMPUTER PROGRAM LISTING COMPACT DISC APPENDIX

Not Applicable

## BACKGROUND OF THE INVENTION

### 1. Field of the Invention

The present invention relates to an inexpensive luminous vehicles antenna topper which can be readily retrofitted to stationary antennas for the purpose of identification of one's vehicle from afar.

### 2. Description of the Prior Art

It is common practice for motorists to park their vehicles in large parking facilities such as those located in shopping malls, entertainment stadiums, airports, etc. On such occasions, it is imperative that the motorist remember the location of the parked vehicle. On most occasions, however, the motorist is more concerned with remembering information pertaining to the event or task for which he or she has travelled. Consequently, very little attention is paid to the location where the vehicle is parked. This is especially true when the motorist has borrowed or leased the vehicle which he or she is driving.

There are also situations where a motorist quickly parks a vehicle, promptly forgets its location, and has no idea where it is upon returning to find the vehicle. A classic example occurs when returning from a business trip or vacation, wherein the motorist attempts to locate the vehicle in a large parking facility after a few days, a week, or even longer. The same confusion often occurs after sporting or entertainment events.

It is also important to be able to quickly and effectively identify a vehicle or vehicles which do not belong to the driver. For example, a motorist who borrows a vehicle from a friend or leases a vehicle from a commercial concern will often find it difficult to identify the vehicle in a large parking facility or an area where several similar models are parked.

Various ornamental markers and the like exist for identifying and distinguishing vehicles. For example, U.S. Pat. No. 4,526,820 issued on Jul. 2, 1985, to Haas describes a plastic ornamental marker for vehicle antennas consisting of a pair of engageable marker members having a common channel to surround the antenna. An adhesive is provided on the inner mating surfaces of the marker members to secure the marker on the antenna. Printed indicia or integrally formed indicia are provided for identification. Alignment structure for the marker is made up of dowel pins in one half and matching sockets in the other half. This marker cannot be removed and reattached to the antenna.

U.S. Pat. No. 3,433,203 issued on Mar. 18, 1969, to Sharkey et al. describes an ornament made from styrofoam that can be used on a vehicle antenna or elsewhere with a reflective surface coating comprised of latex paint.

U.S. Pat. No. 4,624,211 issued on Nov. 25, 1986, to Jokel describes an attachment device for attaching a ribbon, flag or a metal cylinder to a vehicle antenna. Two threaded and channeled screws fit over the antenna stem and are connected by a sleeve which encloses the ball tip. The lower screw has a nut and a machine screw to secure it to the stem. The upper rod screw has a slot and another nut to secure a marker ribbon or the upper string of a flag. The lower string of the flag is looped around the antenna stem. A metal cylinder can be fitted with a brazed nut on its bottom surface to attach to the upper screw. This attachment device is all metal in construction and involves many parts, whereas the instant invention involves a single element and does not require fasteners.

U.S. Pat. No. 4,881,485 issued on Nov. 21, 1989, to Feinberg describes an ornamental vehicle identification device in the form of a disposable container such as a topless cigarette box or an opened soft drink can with streamers attached in the openings. The box and the can are attached to a suction cup by a shaft and hook, respectively. This ornamental device is placed on the roof of a vehicle. The object of this invention is to use discarded materials in order to lessen the loss by theft or the elements. The instant invention is durable and requires less preparation for mounting.

U.S. Pat. No. 4,972,795 issued on Nov. 27, 1990, to Mace describes a football helmet antenna marker device which can have a goal post attached on top of the helmet. The antenna is secured at the terminal end in the helmet or in the goal post by a plurality of opposed, axially aligned thumb screws. The helmet is filled with foam rubber. The instant invention requires no such fastening to the antenna.

U.S. Pat. No. 4,989,536 issued on Feb. 5, 1991, to Liming et al. describes a three-piece swiveling antenna clamp for displaying a banner from its looped cord. The cylindrical clamp has complementary halves configured to envelop the antenna with its ball tip, and the halves are held together by a plastic cap coextensive with the halves. An alternative clamp embodiment has an extra interlocking top cap seal. This clamp has three parts and is limited to holding a looped cord.

U.S. Pat. No. 5,176,099 issued on Jan. 5, 1993, to Katz et al. describes an antenna ball for identification of a vehicle. The ball has two interlocking hemispheres wherein one half has a peripheral lip and two hooks which mate with the lip and apertures of the other half. The innovation is based on attachment and removal for storage in the glove compartment. The ball can be made of a light, durable plastic, metal, wood or styrofoam. The ball can have a symbol, a number or an advertisement. In direct contradistinction thereto, the instant invention is one-piece and can still be attached to and detached from a vehicle antenna without the need for interlocking parts which deteriorate with use and age.

U.S. Pat. No. 5,836,261 issued on Nov. 17, 1998, to Sutton claims an antenna ornament having a hollow interior and internal support structure for the opening that engages the antenna. Sutton also describes that the ornament can be decorated in colors, including luminous ones.

None of the above inventions and patents, taken either singly or in combination, is seen to describe the instant invention as claimed.

## BRIEF SUMMARY OF THE INVENTION

In accordance with the objects of the invention, a luminous vehicle antenna topper is provided for use in conjunction with a fixed vehicle antenna. The luminous antenna topper includes an ornamental element which is capable of being secured to the antenna of the vehicle. The ornamental element can be hollow or solid, and can be made to any shape previously described. The ornamental element can be in the form of sports balls, expressioning faces, animals, etc. The luminous ornamental antenna topper is made wholly of a material incorporating a phosphorescing material in a single-step manufacturing process. The ornamental element can be constructed of various lightweight plastic materials such as styrofoam, epoxy, polyurethane, polystyrene, etc. Accordingly, it is a principal object of the invention to provide an economical but effective luminous vehicle antenna topper.

It is an object of the invention to provide improved elements and arrangements thereof in an apparatus for the purposes described which is inexpensive, dependable and fully effective in accomplishing its intended purposes.

## BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWINGS

Not Applicable

## DETAILED DESCRIPTION OF THE INVENTION

Since shape of the ornamental antenna topper is not an issue, no figures are provided herein. The ornamental luminous vehicle antenna topper can be moulded from a plastic mixture such as epoxy or polyurethane, containing a fraction of a phosphorescing powder with a concentration upto the saturation point for said mixture prior to curing. The phosphorescing powder can be chosen from many colors and many glow characteristics. The most attractive phosphorescing powder would remain luminous at high intensity for several hours after being fully energized by sunlight or by an artificial light source.

The present invention provides for inexpensive, durable, one-piece luminous vehicle antenna topper which can be added to conventional fixed vehicle antennas that are used

for AM and FM radio reception. There is a need for such marking devices which are also attractive and selectively unique so as to enable the vehicle owner to readily locate the vehicle in a poorly lit parking situation. The present invention can be used in conjunction with any shape and color to further decorate the antenna ornament.

## CLAIM

We claim:

1. A luminous vehicle antenna topper for engaging the end of a vehicle antenna, the luminous vehicle antenna topper comprising:

An ornamental element having an opening for retaining the antenna, said ornament being constructed of a plastic material mixture incorporating a phosphorescing material in a single-step manufacturing process.



## **ABSTRACT OF THE DISCLOSURE**

A luminous antenna topper includes a luminous ornamental element which is capable of being secured to the antenna of a vehicle, is energized by ambient light, and glows in the dark once energized. The ornamental element includes a centrally disposed bore sized to frictionally engage the antenna and is made luminous by incorporation of phosphorescent powder in the base plastic material mixture during the manufacturing process. The antenna topper can be in the form of sports balls, sports helmets, expressioning faces, animals, action figures, etc. The ornamental element can be hollow or solid. The antenna topper can be constructed of various lightweight plastic material mixtures such as Styrofoam, epoxy, polyurethane, polystyrene, incorporating the phosphorescing material throughout the body of the ornament.

## DRAWINGS

Not Applicable



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,553	03/09/2004	Reidar Saito Aamotsbakken		7814

7590 11/24/2004

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668 Pickford Street  
Madison, WI 53711

EXAMINER

COHEN, AMY R

ART UNIT PAPER NUMBER

2859

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/799,553	<b>Applicant(s)</b> AAMOTSBAKKEN ET AL.	
	<b>Examiner</b> Amy R Cohen	<b>Art Unit</b> 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “luminous vehicle antenna topper,” “ornamental element having a hollow interior and opening,” “ornamental element having a solid interior and opening” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 1 is objected to because of the following informalities:

Claim 1 appears to be two embodiments of the same invention. In order to claim separate embodiments, Applicants must present separate claims for each embodiment. Claims must be in single sentence form. For purposes of prosecution, Examiner will treat the single claim as claiming two embodiments.

Appropriate correction is required.

See the following patents for examples of proper claim language Sutton (U. S. Patent No. 5,836,261), Jacobs (U. S. Patent No. 6,580,368), and Herbert (U. S. Patent No. 5,881,667).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sutton (U. S. Patent No. 5,836,261).

Sutton teaches a luminous vehicle antenna topper (10) for engaging the end of a vehicle antenna, the luminous vehicle antenna topper comprising: an ornamental element having a hollow interior and having an opening for retaining the antenna (Col 3, lines 49-52), said ornament having an internal support structure to keep it in place (14), being constructed of a base material incorporating a phosphorescing material, or being covered by a material incorporating a

Art Unit: 2859

phosphorescing material (Col 4, lines 23-27 and Col 5, lines 19-25); an ornamental element having a solid interior and having an opening for retaining the antenna (Col 4, lines 10-22), said ornament being constructed of a base material incorporating a phosphorescing material, or being covered by a material incorporating a phosphorescing material (Col 4, lines 23-27 and Col 5, lines 19-25).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose antenna toppers Jacobs (U. S. Patent No. 6,580,368), Ingram et al. (U. S. Patent No. 6,247,423), Velte (U. S. Patent No. 6,063,459), Gross (U. S. Patent No. 5,921,199), Herbert (U. S. Patent No. 5,881,667), and Sharkey et al. (U. S. Patent No. 3,433,203).

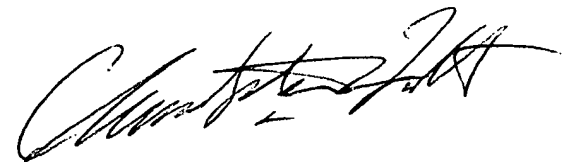
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC  
November 17, 2004



Diego Gutierrez  
Supervisory Examiner  
Tech Center 2800

**CHRISTOPHER W. FULTON**  
**PRIMARY EXAMINER**



<b>Notice of References Cited</b>	Application/Control No. 10/799,553	Applicant(s)/Patent Under Reexamination AAMOTSBAKKEN ET AL.	
	Examiner Amy R Cohen	Art Unit 2859	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,580,368	06-2003	Jacobs, Adam	340/539.11
	B	US-6,247,423	06-2001	Ingram et al.	116/28R
	C	US-6,063,459	05-2000	Velte, Stephen K.	428/31
	D	US-5,921,199	07-1999	Gross, Leon S.	116/28R
	E	US-5,881,667	03-1999	Herbert, Jeffrey J.	116/209
	F	US-5,836,261	11-1998	Sutton, Dolores M.	116/209
	G	US-3,433,203	03-1969	LAVOIE RAYMOND E JR; et. al.	116/28R
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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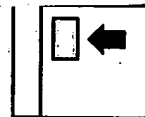
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